UNITED STATES SUPREME COURT

Opinion of Chief Justice Chase in the Mississippi Injunction Case.

The Executive of the Nation Cannot be Restrained by the Judiciary.

The Motion to File the Bill Denied.

Decision in the Case of Duane vs. The San Francisco Vigilance Committee.

The Prize Steamer Peterhoff Restored to Her Owners.

The Mississippi Injunction Case—Opinion of Chief Justice Chase. Washingros, April 15, 1867. In the United States Supreme Court to day the Chief Justice delivered the opinion of the Court in the case of the State of Mississippi vs. Andrew Johnson, President of the United States, and E. O. C. Ord on the

for leave to file a bill, as follows:—
A motion was made some days since in behalf of the the State, praying this court perpetually to enjoin and restrain Andrew Johnson, President of the United States, and E. O. C. Ord, General commanding in the district of Mississippi and Arkansas, from executing or any manner carrying out certain acts of Congress The acts referred to are those of March 2 and March 23, 1867, commonly known as the Reconeave asked for upon the grounds that no bill which makes the President a defendant and seeks an injune President should be allowed to be filed in this This point has been fully argued, and we will now dispose of it. We shall limit our inquiry to the question presented by the objection, without ex-present any opinion on the broader issues discussed in argument, whether in any case the President of the United States may be required, by the process of this impeachment, for crime. The single point to be unconstitutional? It is assumed by the for the State of Mississippi that the President,

The CHIEF JUSTICE—Leave to file the bill is refused. The CHIEF JUSTICE—Leave to file the bill is refused. Then another bill is presented it will be considered.

Mr. SHARKEY—Do I understand the Court to say the Chief Chief Justice—On Thursday?

The Chief Justice—On Thursday.

Aule of the United States Sepreme Court reads as followed.

Promissioned out of this Court in any suit in equity shall be reved on the defendant sixty days before the return e said process.

To day he Court issued subpossas to issue against the defendants an the Georgia bill of complaint case, saprayed by the petitioner. The Court will adjoin in May, and as the sixty tays required by the rule cannot occur between now and that time the return day must processarily be at the naxt regular term of the Court, in December

the performance of such dities by the President might be justly characterized, in the language of Chief Justice Marshall, as "an absurd and excessive extravagance." It is true that in the instance before us the interpetition of the Court is not sought to enforce action by the Executive under constitutional legislation, but to restrain such action under legislation alloged to be unconstitutional. But we are unable to perceive that this circumstance takes the case out of the general principle which forbids judcial interference with the executes of Executive discretion. It was admitted in the argument that the application now made to us is without a praceden, and this is of month weight against it. Had it been supposed at the bar that his Court would in any case interpose to arrest the execution of an unconstitutional set of Congress it can hardly be doubted that applications with that object would have been heretofore addressed to it. Occasions have not been untrequent. The constitutionality of the act for the annexation of Toxas was webeneasily desired. It made important and permanent chances in the relative importance of the president and was by many supposed in particular States; but no one seems to have thought of an application for an injunction against the execution of the act by the President; and yes its difficult to perceive upon what principle side application now before us can be allowed and similar applications in that and other cases could have been denied. The fact that no such application more denied and the such application in that and other cases could have been denied. The fact that no such application more denied and the injunction of the act by the President; and yes its difficult to perceive upon what principle side application in that and other cases could have been denied. The fact that no such application in the action by the president in the action of the problemation of the president of city held a celebration in Newark avenue last evening in commemoration of the death of Abraham Lincoln. The celebration was followed by a commemoration of another event that occurred on the 15th of April, the raising of the flag on Fort Sumter. Hoboken.
CLUBBING PRACEFUL CITIERNS—THE NEW POLICE.—One of the special officers named Herman Polsen, employed by the liquor dealers to preserve order on Sunday, was the liquor dealers to preserve order on Sunday, was brought before Recorder Avery yesterday morning for divers assaults committed on unoffending citizons, the principal complainant being a man named Clopping. His instalment in the office, it would appear, made him hair-brained, and of course he set up the defence that it was only a few slight knocks on the head and other innocent capers. The Recorder, however, took a different view of the amusement so-called, and Polson was held to bail for trial.

Newark.

Learn FROM A Window — A young lady in the ampley

Newark.

Leared PROM A Window.—A young lady in the omploy of the Clarke Thread Manufacturing Company, foot of Passaic street, jumped from the window of the factory yesterday, and had a very narrow escape from being yesterday, and had a very narrow escape from being instantly killed. It seems that a portion of the machinery of the factory gave way, making a loud noise, which the lady mistook for a more serious casualty, and losing her presence of mind she leaped from the window to the roof of a building below, a distance of twenty feet. She was conveyed to her home, corner of High and Academy streets, and medical assistance rendered. It was ascertained that a concussion of the spine had been produced by her fall upon the roof, and it is feared that she has also received serious internal injuries.

Elizabeth.

Imporiant Arrests.—On Saturday night three men, pamed Goorge Keiser, John F. Hollerd and Charles.

Informant Arrives.—On Saturday night three men, named George Keiser, John F. Hollerd and Charles Heild were arrested by Deputy Chief of Police Magnire on a charge of passing counterfeit money. After having "showed" several of their worthless bills on parties in town, they entered the lager beer saloon of Philip Worth, on the corner of Market and Elizabeth streets, where they were arrested. They were at once taken to the county jall and a search of their clothing made, resulting in the discovery of five counterfeit ten dollar bills of the national currency and \$52 in genuine money. The fellows are now locked up in the county jall to await trial.

Hudson City.

Destruction of a House by Fire.—At a quarter before seven yesterday morning a fire broke out in the frame building situated on the second range of crags at the Bergen cut and almost overhanging the railroad. The flames, nourished by a fresh morning breeze, made quick work of the premises, and before assistance could be procured they were entirely destroyed. The building was owned by W. Gilbert, whose loss is about \$8,000; insured for \$4,000.

Hackenearck.

The Vandershir Child Flooding Case.—Three bills of indictment were found by the Grand Jury of Bergen county against Vanderbilt and his wife. To one of these they pleaded guilty when brought into court, and what the nature of the sentence would be caused much conjecture. To the intense astonishment and disgust of every listener a man pleading guilty of a crime within a few degrees of murder was fined \$75. For the other two offences shey were fined \$25 each. Thus justice is dealt out to the perpetrators of a deed which was calculated in every detail to chill the blood with horror. Poor Mary Ann Farrell has not yet been avenged.

Stanhope.

RABROAD ACCIDENT: —Yesterday morning a man named RABROAD ACCIDENT.—Yesterday morning a man named Daniel Regan, while riding on a coal train between Dover and Drakesville, on the Morris and Essex Railroad, had his thigh crushed and his left leg broken. The bottom of the car upon which he was standing broke through, precipitating him under the train. He was immediately removed to Stanhope, but no hopes are entertained of his recovery.

Belvidere.

DECIMON.—The tax case in Hitigation between the town of Belvidere and the Warren Railroad has been decided by the Court of Errors and Appeals in favor of the town. The tax and interest will amount to about \$20,000.

FIRE IN BOSTOM

A fire this morning partially destroyed the building on the corner of Franklin and Hawley streets, owned by Patrick Donahos, proprietor of the Pilot newspaper, and occupied as his publication office. The damage is estimated at \$10,000. Insured.

MUNICIPAL AFFAIRS.

tendered is payment; second, that although they have the right to refuse to carry persons of notoriously had or invalent character, still if such persons were allowed to come on board and remain until the sailing of the ship, as in this case, it was then toe late to refuse them passage; third, although the motive of Pearson in patting Duane off his vessel was a humane one, it was no legal Justification of the act; fourth, the damages recovered below were excessive. The difficulty Duane had in getting from Panadas to New York or chewitees, having no money, &c., were matters that had nothing to do with this action. There was no right to recover for such cause, and, all the facts considered, the sum of for such cause, and, all the facts considered, the sum of feed in consequence of the act of Pearson. The case was therefore, remanded, with instructions to enter a judgment for that sum. It was further ordered that each party pay his own costs here.

Court in this case, restoring the ship and so much of the

the cargo not contraband as beiong to the owners of the contraband portions. The Court are of the opin-

and that neither ship nor cargo was destined to the

NEW JERSEY INTELLIGENCE.

ork boatman discovered the body of a man floating in

he water at the foot of Sussex street. When taken out

brown frock coat, light drab pants, flaunel shirt and a sullor's hat. On his person were found a pocketbook, containing seventeen cents, comb and razor, and a boll with sheath knife. He had evidently been a long time in the water, the face having been caten by fish. Coroner Warren will hold an inquest.

BOARD OF ALDERMEN Charley Duane and the California Vigilane Committee-Duties and Liabilities of Com-The Fair for the Benedit of Bor

may be of general public interest."

In reply, I beg to state that I have no knowledge of the nature of the negotiations with the general government for the purchase of the land in question.

In pursance of a resolution of the Common Council, approved December 18, 1866, I have, in performance of my official duty, commenced the preparation of a deed of conveyance of the land in question, and that deed will, probably, be ready for execution to-morrow.

I have examined the act of the Legislarure, pass dapril 17, 1860, giving authority to the city to convey, and also the opinion of aurray Hofman, in which he expresses his satisfaction, as counsel for the United States, with the title of the city.

Under these direcumstances my official duty is merely to prepare such deed as shall be in form a fficient to carry out the resolutions of the Common Council above referred to. Beyond the line of official duty I do not distre to go in this case.

I request of your honorable body immediate attention to this matter, so that I may be, as carry as possible, apprised of any further instructions you may desire to give me. I am, gentleman, respectfully yours,

RICHARD O'GORMAN, Counsel to the Corporation.

Ordered on file.

The Board took up for consideration the question of passing over the Mayor's veto the resolution au horizing the purchase of a file of the Naw York Harland for the past wenty-five years, at a cost of \$2,000.

Alderman Norrow moved that the Board do adhere to its former action, notwithstanding the veto of the

and that neither ship nor cargo was destined to the blockaded coast. It is premised that, in accordance with the declaration of Paris in 1865, no paper or constructive blockade is all owed by international law. It is, then, held that trade between London and Matamores, with goods intended to be shipped from Matamores to Peras, violated no blockade, and cannot be declared unlawful, and this because the mouth of the Rio Grande was for half of its width within Mexican territory, and for the purposes of navigation was altogether as much Mexican as American. The proclamation of the President of February 18, 1864, to the effect that the port of Brownsville had been blockaded, does not affect the question nor change the result; nor, in the absence of an express declaration by the proper authority, will it be said that it was the intention of the government to blockade the Rio Grande. The general doctrines of international law lead irresistibly to the conclusion that neutral trade to or from a blockade country by inland navigation or transportation is lawful. It is therefore impossible to hold that inland trade from Matamoros, in Mexico, to Brownsville or Galveston, in Texas, or from Brownsville or Galveston to Matamoros, was affected by the blockade of the Texas coast. Mayor.

Alderman REMLY hoped the motion would prevail. The file of the New York Herald was a valuable document. It would be an invaluable document for the Chy Library if it were purchased every year.

The Board by a vote of thirteen in the affirmative to two in the negative passed the resolution, the Mayor's veto to the contrary notwithstanding.

The Board then adjourned to Monday next at six o'clock P. M.

Catholic Children to creet a proper structure on the north side of Union square, on the ground situated between Fourth avenue and Broadway, leaving a passage wide enough for a regular drive way.

Without transacting any other business the Board adjourned till Thursday.

BROOKLYN BOARD OF ALDERMEN.

her of sunken lots in South Brooklyn, which were

ing the Porty-seventh regiment armory, in Fourth street. The report was adopted.

A report in favor of repairing the building at the corner of South First and Fifth streets, to be occupied as the Fourth District Court, was adopted.

Ald-rman Harmawar, who thinks the expenses of the Fire Department are in excess of what they should be offered a resolution to the effect that the opinion of the Chief Engineer be ascertained as to what changes could be made to reduce the expenses. The resolution was adopted. The Board then adjourned.

FIFTH AVENUE.

Who Ought to Keep the Carriage Way
Repaired ?
The days of drifted snow and the consequent slush

and mud have for a time gone past; but the days of street nulsances have not disappeared with the advent of warm weather. The Fifth is the only avenue through which the up town proprietors of handsome equipages and valuable teams can enjoy an afternoon drive to the Park, without having to contest the roadway with up and down town cars; but even this splendid thoroughfare cannot be driven over without considerable inconvenience and unpleasantness, to say nothing of danger. The carriage way in several parts is made the place of deposit for large quantities of materials to be employed in the erection of new buildings, and in other places it is so full of ruts and holes as to make passage along it as unconfortable as in many narrow down town streets. Between Forty-fifth and Fertysixth streets half the road is encumbered by a collection of bricks, mertar and other building materials, and near Fortieth street, where some new residences are being built, the nuisance is almost as great. It is needless to say that these accumulations present a considerable impediment to traffic. In the latter part of the afternoon the carriage way is not found to be too wide even without such obstructions as these miscellaneous collections present. In addition to these considerable inconvenience and danger is caused by the large number of noise which have been allowed to remain unfilled in different parts of the avenue. Along the whole distance, from about Thirtieth to Fifty-sixth street, the pavement is in the most uneven condition, and near Thirty-sixth street it is quite unsafe for passage. At this point there is a rut of some twenty-four feet in length, with a depth in some places of nearly two feet, and a little lower down is another hole running across quite twelve feet in length. The footpaths which cross the avenue are also in a dilapidated condition; the stones in some places have not been laid close to one another, and the dry wind of the last few days has removed the soil which filled the interstices, and has left holes of from six inches to a foot in width, and of varying depth. This state of things has existed now for some time, but there is no sign of anything being done to repa which the up town proprietors of handsome equipages and valuable teams can enjoy an afternoon drive to the

From the New Orleans Daily Picayune, April 10.]

The yachting season is near at hand, but so far we have not heard of any preparation for the attractive summer sport on our waters. The famous ocean yacht race has apparently given a powerful impetus to yachting and boating at the North, whence we hear of new clubs forming at many of the sea and take ports, and of the commencement of active preparations for aquatic sports (which, it seems certain, will be more popular than ever) when glorious summer comes with its gentle breezes and calm, placid waters.

In the flush times, a few years back, there was a pretty large facet of fine yachts on the take, and much exciting and attractive sport there. The number was, of course, greatly diminished by the war, and as one of the lamentable consequences of the war, there is far less ability now to build new ones and to fit them out. Some, however, that were affoat in former years, we presume, are laid up, and will ere long be restly for active service; and we are not without hopes of some new ones making their welcome appearance in the coming season. To our thinking, there is no prettier sight than a fleet of smart, clean, trim yachts, with their tapering masts and swolling sails, cleaving through the the waters rapidly, and looking in the distance like a flock of sea guille, as they examestly contest for victory in the trial of speed.

We hope to hear soon of the reorganization of our old yacht clubs, and it would give us infinite pleasure to have information of the formation of new ones, and also of active preparations for the approaching season. As a healthy, invigorating and manip pastime, yachting is deserving of all encouragement, and we do hope that henceforth many of the young men of our city will seal-ously engage in it. There is no good reason why, in yachting, as in horse racing, New Orleans should age enjoy as envisible fame.

DEATH UNDER SUSPICIOUS CIRCUMSTANCES.

r's Inquest on the Late John G.

fled and weighing one pound and a half. The cause of death was this disease of the heart excited by the in-uries received.

The case was then adjourned until Thursday morning text at ten o'clock.

BOLD OUTRAGE IN MIDBAY.

mostly engaged in the fining and committing unfortunate "businers" or disorderly characters, the "hearing and determining" matters of assault and battery of various dogrees, and investigating charges of alleged violations of the Excise law, preferred by ambitious officers against carcless liquor dealers, all of which were numerous

House and joi 129 Lexington avenue, lot 14 6x86, house

CITY INTELLIGENCE.

The Weature —The following shows the result of four servations in this city of the range of the barometer

McGeehan was arrested and brought before Justice Dodge, at the Jefferson Market Police Court, charged

yesterday at the office of United States District Attorney Tracey:—F. W. Fegler's distillery at 178 East Twenty-

pocket picked a few days ago of a valuable watch, and

No. 91 Oliver street, and who was arrested a short time ago on a charge of rape preferred by Sophia Connelly, was honorably discharged by the Grand Jury. ACCIDENT AT SEA.—Henry Hansoom, a seamen on sceived a contusion of the skull. On his arrival at this ort yesterday he was conveyed to the New York Hos-

NAVAL INTELLIGENCE.

It is rumored that Captain J. R. M. Mullany, new Inspector of Ordinance, has been offered the position, and also that Captain J. C. Williamson is an applicant. Now who comes next? Captain W. E. Leroy leaves the New York. Rendezveus (of course no one will apply for this position as Commander M. Haxton naturally falls into this place), Captain Leroy having been ordered to the duty as Commander, promoted while on that duty and retained after promotion, Commander Haxton having also erisen from Leuteneant Commander to Coramander. Paymaster Bradford will have to be relieved. Surgeon, Eversifield, intely detached from this station, is reported as detailed for the Minnesota. The rumor about Commanders Braine, Josett and Harmony going out to the Europeon squadron does not thus far develop into facts. The first named officer has been heard to say that he never had any expectations of the kind. Gunner A. F. Thompson, now on ordunance duty at the Navy Yard, goes as gunner of the Franklin.

APPERANCE OF THE NAVY YARD.

Now that lovely spring is putting on her Fenian mantle, the officers of the yard appear to unite in doing all in their power to beautify the yard. Young trees are being set out upon the different paths and others are removed, being objectionable on account of their preximity to the waits and affording to many facilities for scaling them. The strict conomy which prevails bids fair to let the beautiful garden at the Admiral's house go to waste, there being no provisions for a gardener to cultivate it, and this officer's pay does not onable him to employ one. Is not this short sighted economy of the powers that be?

THE STORE SHIP MEMPHIS.

The Memphis will sail about the 25th of this month. Her boilers need extensive repairs, and upon her return she will probably be laid up for that purpose.

A board of officers has been convened at the Navy Yard composed of the following:—Rear Admirals B. H. Stringham, George F. Pearson and Charles H. Bell—they are to examine into the qualifications of Captains Golds borouch a

Acting Volunteer Lieutenant Beiden has reported for duly, and will assume command of the United States store ship Relief. She goes to the Gulf squadron. Commodore Winslow is reported to be detached from the Gulf squadron, and the North Atlantic and Gulf squadrons are to be consolidated under Rear Admiral Paimer.

Palmer.

MECKILARBOUR.

The Portsmouth and Saraioga will be ready to go in commission May I.

The Receiving ship Vormont has now about eight hundred men on board.

The Massachusetts, which should have sailed on the 10th and did not go until the 11th, was detained to take a guard of marines to Pensacola. She also waited for about \$200,000 in greenbacks, which did not arrive until that date.

Lioutenant W. J. Squiers went down in charge of the marines.

CLAIM OF SALVAGE AGAINST THE BRIG ANASTASIA.

TO THE EDITOR OF THE HERALD.

In your journal of the 9th [10th] inst. I read the beginning of the case brought before a Brooklyn court by one W. Boorke, who puts in an absurd claim for salvage against the brig Anastasis. It appeared singularly strange to me not to see in your excellent paper of the following day the continuation of the case, wherein the whole crew of the aforesaid brig tentified and explained the whole truth to the honorable Court, showing that the pretonions of said Boorke are nothing but abeer imposture, and his facts prove inventions of what never took place. Hence I request that, as you gave the public information of the beginning of this case, you would take the trouble to obtain from the honorable Court the record of the end of said suit, and do me justice by publishing it in the Herald, I reserve to myself the right of making public in due time the wrongs which said Boorke committed aboard of my vessel during the passage from the island of Hermuda to Livery. S. R. S.

TER TURE.

Another Meeting of the Commission-Testing of Safety Valves, &c.

Another Meeting of the Commission—Testing of Safety Valves, &c.

The government commission appointed to examine the various inventions for saving life that might be submitted to them held another meeting yesterday at the rooms of the Underwriters, in Wall street, from whence they immediately adjourned to 187 Cherry street, where a bolize was ready with steam up waiting to test a number of safety valves of various kinds. The first test made was on a Chicago valve. The guage was set to blow off at 103, It blew off at 104 and receded at 92. This was with the case off. The next trial was with the case off. The next trial was with the case off. The next trial was with the case off. The second trial was with the case on, the receining at 97.

The next valve tested was a Buffulo one. The guage was set at 75 and 1 blew off at 80, receding at 74. This was with the case off. The second trial was with the case on, the results being the same as with it on, except that the recession occurred at 73.

The next valve tried was set at 40 and blew off at 45, stopping at 41.

The commission thus continued to try a number of apparatus with very similar results in every instance, and adjourned until this morning at the usual hour.

Statement of a Prassenger.

The steamer St. John, which left Albany on Saturday night at eight o'clock, met with an accident when three miles below Catakill on her, way down to New York. The waiking-beam of the eagine broke at about eleven o'clock, and M, it had not brien so soon discovered one of the shafts attached to the /beam, and weighing several tons, might have struck 'through the bottom of the steamer and sunk her. 'The passengers, to the number of over two hundred, were immediately awakened in their state rooms and were treated in a very discourteean manner by the hands on the beat. At two o'clock, when the bean Richmond reached there on her upward trip, all except thirty of the passengers were transferred from the disabled steamer, and were carried back to Albany, their tickets being demanded and no prevision made for the passage to New York city, for which they had paid their maney. The thirty passages who were shrewd or favored enough to remain on the St. John were landed on the shore and went down on the next train. There was no provision made for a passage to this city, and saverallof the passagers who were within they had paid their maney. The thirty passages to this city, and saverallof the passagers who were withen they had paid their maney. The thirty pussages to this city, and saverallof the passagers who were withen they are not provision made for a passage to this city, and saverallof the passagers who were withen the money only reached New York through the kindness of conductors on the railroad.

D. W. CLEMENT,

No. 145 West Seventeenth street, New York.

ATTEMPT AT BURGLARY.—Charles Frank, a Gern ATTERED AT BURGLARY.—Charles Frank, a Gorman, made an attempt on Sunday evening to break into the residence of Mrs. Hoffman, in Tompkinsville. He had broken in the window, and Mrs. Hoffman discovering him, gave the alarm. He endeavored to escape, but was arrested, and was yesterday arraigned before Justice Garrett, who committed him for trial.

ALARK OF FIRE.—About eleven o'clock yesterday morn-